

REMARKS

Claims 5-9, 17-18, and 41 are pending and stand rejected by the Office Action dated July 6, 2009 ("Office Action"). In view of the remarks below, reconsideration and favorable action are respectfully requested.

Allowable Subject Matter

Applicants acknowledge and appreciate the Office Action's indication that claims 5-9, 17-18, and 41 would be favorably considered upon receipt of a supplemental declaration under 37 C.F.R. 1.175(b)(1).

Rejections Under 35 U.S.C. § 251

Claims 5-9, 17-18, and 41 are rejected by the Office Action under 35 U.S.C. § 251 as being based upon a defective reissue declaration. The Office Action indicates that an appropriate supplemental declaration under 37 C.F.R. 1.175(b)(1) will overcome this rejection, and the Examiner's Interview Summary dated October 27, 2009 confirms that a Form PTO SB/51S may be used.¹

An executed Form PTO/SB/51S ("Supplemental Declaration for Reissue Patent Application To Correct 'Errors' Statement (37 CFR 1.175)") is submitted herewith. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 251 be withdrawn.

Information Disclosure Statements

Applicants respectfully request that the Examiner consider the Information Disclosure Statements dated October 6, 2009 and October 16, 2009.

¹ Applicants' Interview Summary dated November 6, 2009 refers to an interview conducted on October 21, 2009, while the Examiner's Interview Summary dated October 27, 2009 indicates that the interview took place on October 22, 2009. Applicants wish to clarify that both documents refer to the same interview.

CONCLUSION

Any circumstance in which the Applicants have (a) addressed certain comments of the examiner does not mean that the Applicants concede other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the Applicants concede any of the examiner's positions with respect to that claim or other claims.

In view of the above, and for other reasons clearly apparent, Applicants respectfully submit that the Application is in condition for allowance, and request such a Notice. If the present Application is not allowed and/or if one or more of the rejections is maintained or made final, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned agent to schedule a telephone conference.

This Reply is being filed with a Request for Continued Examination, a Petition for Two Month Extension of Time, and the associated fees. No additional fees are believed due at this time. However, please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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